



03/30/05

RCE
JFW

IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

Applicant: Carter, *et al.*

Serial No.: 09/924,110

Filed: August 7, 2001

For: "MATERIALS AND METHODS FOR
IMPROVED BONE TENDON BONE
TRANSPLANTATION"

Group Art Unit: 3738

Examiner: Alvin J. Stewart

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March 29, 2005

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SUBSTITUTE PAGE 14 TO THE
REQUEST FOR CONTINUED EXAMINATION UNDER 37 C.F.R. § 1.114

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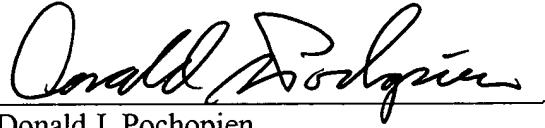
Sir:

Upon Applicants filing of their RCE on 03/28/05, Applicants noted a typographical error on page 14 of the RCE, at lines 3 and 5, wherein the name of the first declarant "Larson" was incorrectly used instead of the second declarant "Olsen." Applicants have corrected the name at page 14 lines 3 and 5, and also corrected the reference to ¶ 8 of the Olsen declaration. A copy of corrected page 14 is attached hereto. Please insert corrected page 14 (as attached hereto) for original page 14 of the Applicants' RCE as filed on 03/28/05.

Respectfully submitted,

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implantation.” [Olsen Declaration at ¶7.] It is also significant that Mr. Olsen declares that he is a co-inventor on the four listed U.S. patents related to endosteal ligament mounting and ACL repairs. [Olsen Declaration at ¶6.] Mr. Olsen further declares that he has reviewed “the above-identified patent application, the rejected claims, the Official Action of 09/28/04 and the cited art” and that he understands their contents. [Olsen Declaration at ¶8.]

After reviewing the patent application, the rejected claims, the Official Action of 09/28/04 and the cited art, Mr. Olsen disagrees with the Patent Office’s conclusion that “[i]t would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the bone blocks of the Campbell et al reference with **the longitudinal groove (see surface 17) of the Beck, Jr. et al. reference**, in order to insert an attachment screw and attach the attachment system to the patient’s bone.” [Olsen Declaration at ¶8.]

As factual support for his conclusion, Mr. Olsen points out that at the filing date of the present application, there were two techniques for performing anterior cruciate ligament repair- the open technique and the endosteal technique. [Olsen Declaration at ¶9.] These are the same techniques referenced in ¶6 of the Larson Declaration. Mr. Olsen, like Dr. Larsen, declares that Campbell teaches the surgical technique wherein the knee is “opened such that the femur and the opposing tibia are partially disarticulated” and then the bone blocks are inserted into their respective holes. [Olsen Declaration at ¶10.] Mr. Olsen, like Dr. Larsen, declares that Beck discloses the endosteal technique wherein bone tunnels are drilled “through the tibia and into the femur” as shown in his U.S. Pat. 6,306,168 at FIGs. 10 and 11 at element 10 (“femoral tunnel), and where the ends (anchor bodies) of the BTB are fixed in place in the endosteal tunnels by an interference screw. [Olsen Declaration at ¶11.] Mr. Olsen declares that “one skilled in the art would have no reason or motivation to put a groove on the bone block of Campbell.” [Olsen Declaration at ¶12.] In particular, Mr. Olsen declares that if one skilled in the art added the grooves of Beck to the BTB of Campbell and employed Campbell’s open technique, one skilled in the art would not would not be able to insert the second interference screw in the joint which must be closed to seat the second bone block in its respective hole:

I will assume for the sake of argument that one added the grooves of Beck to the BTB of Campbell. **A first screw could be inserted to fix one bone block of the BTB of Campbell to the**